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## Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, we lift our hearts to You. Lord, please shower Your mercy on our Nation, as we seek to deal with the Las Vegas mass shooting. Please show mercy to the victims and their families. Lord, in spite of this horrific act, give us faith to believe that evil will not ultimately prevail in our world. May this tragedy motivate us to plant and water seeds of peace as we cultivate a greater respect for the laws of seedtime and harvest. Cut in pieces the cords of wickedness that seek to bind us.

Today, guide our Senators and use them as ambassadors of reconciliation in our Nation and world.

Eternal God, although we walk in the midst of trouble, stretch forth Your hands and revive us with Your might.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### MOMENT OF SILENCE FOR THE VICTIMS OF THE LAS VEGAS ATTACK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate now observe a moment of silence for the victims of the Las Vegas attack.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senate will now observe a moment of silence for the victims of the attack in Las Vegas.

(Moment of silence.)

The PRESIDING OFFICER (Mr. YOUNG). The majority leader is recognized.

### LAS VEGAS MASS SHOOTING

Mr. MCCONNELL. Mr. President, the news we awoke to this morning was heartbreaking. What happened in Las Vegas is shocking, it is tragic, and for those affected and their families, it is devastating. It is hard to even imagine their pain. I hope they will know that we are praying for them now. I hope they will find strength in the love and kindness of those around them in these hours of such darkness and pain. I hope they will see that our country is standing by their side today.

Many Americans are still in shock. Others have begun to wonder why someone would do something this terrible. Investigators will continue their dedicated work in search of answers, but what is clear now is that this is a moment for national mourning and for prayer.

Just a moment ago, President Trump led the country in observing a moment of silence. As he noted this morning, we are all grateful for the courageous efforts of the first responders. They always put their lives on the line to save others. They do so with a selflessness that reminds us of the inherent courage and mercy that remains possible within each of us—light amidst the dark, hope in times of terrible grief.

The same is true of the national spirit of compassion that shines through our country in the moments when it is needed most. Whether it is lining up to donate blood or signing up to volunteer

their time, our fellow Americans are always there to offer what they can when others are in need.

We thank these Americans and law enforcement and the first responders for everything they have done. We thank them for their efforts that continue now.

We again send our condolences to everyone affected by this terrible tragedy.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Pai nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Ajit Varadaraj Pai, of Kansas, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2016.

The PRESIDING OFFICER. The Senator from Utah.

### LAS VEGAS MASS SHOOTING

Mr. HATCH. Mr. President, there are a number of issues I wish to speak on today, but first I wish to extend my most sincere condolences to the victims of violence in Las Vegas.

What we witnessed last night was a tragedy without precedent. Today, our thoughts are with all those folks who have lost—the families, loved ones, and

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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friends whose lives will never be the same as a result of this shooting.

Our hearts are with all of you, and so are our prayers. We love you. We stand by you today. We ask that God will stand by you always.

#### REMEMBERING ELDER ROBERT D. HALES

Mr. President, I wish to pay tribute to Elder Robert D. Hales, a member of the Quorum of the Twelve Apostles of the Church of Jesus Christ of Latter-day Saints.

With his family gathered around his bedside, Elder Hales passed away peacefully yesterday afternoon in between sessions of LDS General Conference. More than a beloved leader, he was a caring family man, a powerful role model, and a close friend whom I will miss dearly. Today, I wish to pay tribute to Elder Hales as we remember a life well-lived.

Elder Hales was born on August 4, 1932, to Rulon and Vera Hales. He grew up on Long Island in a diverse neighborhood, which allowed him to become familiar with a variety of different cultures. Although raised on the east coast, Elder Hales always maintained strong western roots. He would speak fondly of the summers he spent in Utah bailing hay, riding horses, tending sheep, and herding cattle in the mountain pastures. Although Elder Hales would later become an accomplished businessman, he was no stranger to manual labor, and he credited his early days working on the farm as the source of his strong work ethic.

During his teenage years, Elder Hales distinguished himself as a student and excelled as a pitcher for his high school baseball team.

After enrolling at the University of Utah, he returned home to New York for the summer and met Mary Crandall. It was love at first sight. They married a year later in the Salt Lake Temple on June 10, 1953.

Following his graduation from college, Elder Hales joined the U.S. Air Force, where he served as a fighter pilot. His squadron's motto was "Return With Honor." In his own words, "The motto was a constant reminder to us of our determination to return to home base with honor after we had expended all of our efforts to successfully complete every aspect of our mission."

"Return With Honor" would become the credo by which Elder Hales lived his life, expending every effort as a faith leader, father, and friend to better himself, bless others, and build the Kingdom of God.

Yesterday afternoon, after decades of dedicated service as a minister of Jesus Christ, he completed his mortal mission and returned with honor to our heavenly home. The challenge he leaves behind is for all of us to do the same.

To the very end, Elder Hales was a model of selfless service. Even in his later years, beset by illness and old age, he continued to carry out the responsibilities of his apostolic office without hesitation and without com-

plaint. Elder Hales decided when he was still a young man that he would never let anything get in the way of his church service.

Following his career in the Air Force, Elder Hales enrolled at Harvard Business School, where he was called to serve as Elders Quorum president, one of the most demanding leadership positions in the LDS Church. Because of his heavy course load, Elder Hales could have easily declined the calling, but he gladly accepted it. His wife Mary guided him in making this decision. When Elder Hales said he might fail his classes if he agreed to serve as the Elders Quorum president, Mary said:

Bob, I would rather have an active priesthood holder than a man who holds a master's degree from Harvard. We'll do both.

With Mary's unwavering support, Elder Hales served successfully as an Elders Quorum president in addition to earning his MBA. He would later go on to work as a high-level executive at multiple national corporations.

From this formative experience, Bob and Mary learned that God would provide for them as long as they put the gospel first. That is why Elder Hales did not hesitate to leave his business career behind when he was called to serve as a mission president and later as an apostle in the Church of Jesus Christ of Latter-day Saints.

Elder Hales provided a model of servant-leadership for all of us to follow. He was a true disciple of Jesus Christ, putting the welfare of others before self and the Kingdom of God above all. He was gracious and loving, thoughtful and kind. In all things, Elder Hales exemplified humanity and humility, which was the hallmark of his life.

While millions of us grieve his passing, we take peace and comfort in knowing that his service continues on the other side.

I knew him very well, played golf with him, thought he was one of the great men in my life. I am going to pay tribute to him and his family here today in front of the whole United States Senate and the country. He was one of the most worthwhile people I ever met. We are going to miss him.

#### REFORM OF CRIMINAL INTENT REQUIREMENTS

Mr. President, with the time I have remaining, I wish to address an issue that remains critically important as well—overcriminalization and the need to reform criminal intent requirements in our Federal criminal code.

Like many of my colleagues, I believe Congress has criminalized far too much conduct and has mandated overly harsh penalties for too many crimes. A number of my colleagues have sought to address these problems by cutting prison sentences, altering statutory minimums, or releasing prisoners early for good behavior. But as we seek to reform the criminal justice system, we must be careful not to overlook one of the major roots of the problem: the lack of adequate criminal intent requirements in Federal statutes.

"Mens rea" is a Latin phrase meaning guilty mind. One of the time-honored, fundamental features of our criminal law is that for a person to be found guilty of a crime, he or she must have committed the act with criminal intent or mens rea. In the English common law, this principle was summarized in the idea that the act is not culpable unless the mind is guilty. Mens rea requirements protect individuals who commit an illegal act without knowing that their action was wrong or unlawful.

To give an example, a person who mistakenly retrieves the wrong coat from a coatroom does not become a thief merely because he took something that wasn't his but looked like his. Only if he knows that the coat belongs to someone else does he commit a criminal act.

Unfortunately, many of our current criminal laws and regulations contain inadequate mens rea requirements, and some contain no mens rea requirement at all. This leaves individuals—innocent individuals—subject and vulnerable to prosecution for conduct they believed to be lawful at the time.

In recent years, as Congress and Federal agencies have criminalized more behavior, they have often been vague about mens rea requirements or even silent about mens rea altogether.

In a 2014 Tennessee Law Review article, Michael Cottone investigated how many Federal criminal statutes there are in the U.S. code. Mr. Cottone explained that "tellingly, no exact count of the number of federal statutes that impose criminal sanctions has ever been given." Most scholars agree that there are approximately 5,000 Federal statutes that impose criminal sanctions, but those criminal statutes do not include the nearly 300,000 Federal regulations that also carry criminal penalties.

With so many criminal laws on the books, it is far too easy for Americans to break Federal laws unwittingly, with no understanding whatsoever that their behavior happens to be illegal. For example, did you know it is a Federal crime to write a check for an amount of less than \$1 or that it is a Federal crime to allow a pet to make a noise that frightens wildlife on Federal land? Even more incredibly, did you know it is a Federal crime to keep a pet on a leash that exceeds 6 feet in length on Federal land?

These are only a few examples of unlawful activities that reasonable people could not reasonably be expected to know. What is worse, many of these unlawful activities are punishable by time in prison. This is not only ridiculous, but it is immoral. The lack of adequate mens rea requirements in our Federal criminal code subjects innocent people to unjustified punishment.

To address this issue, I reintroduced the Mens Rea Reform Act of 2017. Today I wish to express my sincere appreciation to the Heritage Foundation and the Federalist Society for highlighting the need for mens rea reform

and for supporting my efforts to protect innocent people. They are not the only ones. Anybody who looks at this has to say: Are we going to send people to jail when they didn't know what they were doing was wrong? It makes anybody stop and think: Is that right? Should we do that? Is that fair?

Likewise, I wish to thank Senators RAND PAUL, TED CRUZ, MIKE LEE, and DAVID PERDUE for joining me as co-sponsors on this bill. Our bill sets a default intent requirement of willfulness for all Federal criminal offenses that lack an intent requirement. Additionally, the bill defines willfulness to mean that a person acted with knowledge that his or her conduct was unlawful.

Naturally, our bill does not apply to any offenses that Congress clearly intended to be strict liability offenses. Our proposal has garnered widespread support from a variety of organizations, including the National Association of Criminal Defense Lawyers, Koch Industries, the Federal Defenders, the U.S. Chamber of Commerce, and the Heritage Foundation—just to name a few.

Importantly, our bill does not remove any crimes from the books, nor does it override any existing mens rea standards written in statute. Moreover, it does not limit Congress's authority to create new criminal offenses, including strict liability offenses.

Mens rea really is a simple issue. Individuals should not be threatened with prison time for accidentally committing a crime or for engaging in an activity they did not know was wrong. If Congress wants to criminalize an activity and does not want to include any sort of criminal intent requirement, Congress should have to specify in statute that it is creating a strict liability offense.

I believe this simple legislative solution will go a long way in reducing harsh sentences for morally innocent offenders. It will also push back against the overcriminalization of innocent behavior. As I have said many times, any consideration of criminal justice reform or sentencing reform is incomplete without reforms to mens rea requirements.

#### FOREIGN JUDICIAL PROCEEDINGS

Mr. President, on a final note, I wish to express my concern about a provision in U.S. law that allows foreign litigants to come into U.S. courts and gain access to documents and other evidence for use in foreign judicial proceedings.

Under current provision, 28 U.S.C. 1782, an American citizen can be subjected to invasive requests by a foreign entity even when the citizen has no ability under the laws of the foreign jurisdiction to obtain similar information from the foreign entity itself. This gives foreign entities an unfair advantage over their U.S. counterparts.

Equally problematic, U.S. persons may be compelled under Federal law to turn over business information or trade

secrets for use in Federal judicial proceedings without any guarantee that such information will be adequately protected in the foreign jurisdiction. This places U.S. businesses at risk and, again, creates an unfair playing field.

Such unfairness and lack of reciprocity is deeply concerning. Our laws should not disadvantage our own citizens and companies. Rather, we should ensure a level playing field.

In the coming weeks, I will be introducing legislation to do just that. These are important bills, and these are important ideas. I appreciate having this time to be able to express them for the country at large.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHATZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LAS VEGAS MASS SHOOTING

Mr. SCHATZ. Mr. President, before my planned remarks on the Federal Communications Commission, I want to say a few words about the awful events that happened in Las Vegas. Our hearts are with the families affected by the tragedy and with the city of Las Vegas, and we do send them our best wishes and our prayers. But we can do more than send our thoughts and prayers to the grieving. We can do more than thank the first responders. We can do more than lower the flag to half mast.

We can take a stand against gun violence by passing commonsense gun safety laws. Otherwise, this becomes a ritual of mass murder, mourning, and moving on. Let's stop this awful ritual. Let's stop the violence. Let's do something about it.

Mr. President, I wish to talk about the nomination of Chairman Ajit Pai to lead the Federal Communications Commission for another 5 years. When it comes to Chairman Pai, personally and professionally, I want to say that I believe in his integrity as a public servant, and I believe he is smart and qualified. But the FCC is supposed to create competition and protect consumers, and Chairman Pai isn't doing that.

First, Chairman Pai's FCC is trying to get rid of net neutrality. Net neutrality is a Federal rule that says ISPs—internet service providers—must treat all content equally. They can't discriminate by making certain kinds of content slower, charging more for other kinds of content, or blocking some content altogether.

That is the basic premise of the internet. Once you pay for your broadband internet access and then you jump on a browser, everything comes down to the same speeds. It is so foundational to the way we use the internet that it is actually hard to describe a future without net neutrality,

but it could be that you pay your ISP, and certain websites download fast.

Certain websites are almost impossible to find. For certain websites, you have to pay a premium just to be able to capture their content. Forget what you may have to pay Hulu, Netflix, and others. The ISP will essentially control your access to the internet. That is why net neutrality was so important. It is not that, in that moment, things were necessarily undermining the current internet but that, without a firm rule, these companies may have incentives to change the internet as we know it.

When Chairman Pai announced that the FCC would review the rules on net neutrality, he said: "This is a fight we intend to wage, and it is a fight that we are going to win." But that is not how the FCC is supposed to work. This is a quasi-judicial agency. They are supposed to propose a rule, allow the public to weigh in, and then the agency considers the comments before making a decision. Chairman Pai had made it clear from the beginning that he had already made up his mind. Even though there were 22 million individual comments from American citizens about what we should do with the free and open internet, he had decided in advance of that.

Unfortunately, this is part of a pattern. Right after Congress took away the FCC's ability to protect people's privacy online, he wrote an op-ed that essentially read that this is good news. It is pretty unusual to have a chairman of a quasi-judicial body weigh in on something that the legislative branch does or to completely disregard the process for public input. Chairman Pai has not yet demonstrated a willingness to stray from the party line.

One of the things I like about him is that I know that he has a big brain. We have talked policy, and when we have had private conversations, I have seen that he has liked the engagement, that he likes the job, and that he likes public service. The challenge is that there has been no instance in which he has done anything that was other than predictably Republican. That is OK for now, as it has been a relatively short tenure, but what we need in an FCC Chairman is someone who takes his own views and the facts, as the record becomes established, and makes up his own mind. He is not a Republican while he is on the FCC. His job is to apply the facts and his own judgment.

During the confirmation hearing, I asked him about the President of the United States calling the media the "enemy of the state." He would not say one way or another what he thought of those comments or how he would guide the FCC based on those comments. At some point, he needs to demonstrate some independence from his party and from the President.

With this vote, the Senate has a chance to say that the person who leads the FCC should understand, at a bare minimum, how to run a quasi-judicial agency in a nonpartisan fashion,

that he or she should value public input, and that he or she should not simply go along with what the party is asking and implement it no matter how it stacks up against the statute.

Here is another example. Earlier this year, Chairman Pai rolled back a rule in order to allow local TV stations to be bought up without any limits by one single company. This decision seemed to be for the benefit of one company, the Sinclair Broadcast Group, which just happens to be a company with strong conservative leanings. Sinclair is already the largest owner of local broadcasting stations in the United States, but now it is trying to buy another company, Tribune Media, which would expand Sinclair's reach into 72 percent of the households.

For decades, both Congress and the FCC have taken steps to protect local broadcasting because it has benefited the public interest. So, under normal circumstances, Sinclair would not be able to buy up these other stations, but Chairman Pai has changed the rules so that this company will have even more power and reach. The secondary beneficiary of this change will be the Republican Party, because Sinclair has a decades-long history of pressuring its local stations to broadcast certain news that helps the Republican cause.

We need an independent Chairman at the helm of the FCC. We need someone who will make decisions based on statute, not based on political affiliation. That is why I will vote no on Mr. Pai's nomination, but I hope that I will be proven wrong.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

THANKING THE SENATOR FROM HAWAII

Mr. SCHUMER. Mr. President, first, let me thank my friend from Hawaii for his words.

I will make a statement for the record with regard to Mr. Pai, as I agree with Senator SCHATZ' vote and will be voting no, but I want to first speak about the horrible situation in Las Vegas.

LAS VEGAS MASS SHOOTING

Mr. President, there are precious few words for days like this. Last night, as everyone now knows, at a concert in Las Vegas, NV, a gunman opened fire on a crowd of 22,000, killing at least 58 and sending hundreds more to the hospital. It was the deadliest mass shooting in the history of our country.

Our collective hearts, so hardened now by the absurd frequency of these mass shootings, are broken once again. We mourn for the families of the fallen, and we pray with the families of the wounded. We have the deepest gratitude for every first responder, cop, and firefighter who rushed to the scene, as their heroism in the moment of this national tragedy has been an inspiration. Yet today we are filled with shock and horror, with sadness and rage.

The horrific massacre was perpetrated by an American on his fellow Americans and the visitors from every corner of the world, who are the very lifeblood of Las Vegas. We are left with many questions, the answers to which we will seek in the coming days and weeks.

How did this monster acquire the arsenal that he used to rain down death on a crowd of innocents? Were these guns purchased and compiled legally? What was this person's perverted motive? Was there any history of mental health issues?

What circumstances could lead a man to commit such violence upon his fellow human beings—complete strangers—what twisted reasoning, what demented logic?

There is much more that we do not know than what we do know. Some of the questions that we have today will not have clear answers. Others are, perhaps, beyond our fathoming. Yet some will have answers, and we will have to reckon with the fact that this man was able to assemble an arsenal of military-grade weapons.

As much as we might hope to, we cannot banish evil from the Earth. Congress cannot do that, and the President cannot do that. What Congress can do and what Congress must do is to pass laws that keep our citizens safe, and that starts with laws that help prevent guns, especially the most dangerous guns, from falling into the wrong hands.

We will take care of the injured—their bodies and their hearts—and nurse them back to health. We will mourn those lost with all of our collective love and support. We will bind up this new national wound. Then, we will aggressively ferret out the facts, and based on that reality, we will confront—we must confront—the deeply troubling issues that have been raised by this atrocity.

PUERTO RICO AND U.S. VIRGIN ISLANDS  
RECOVERY EFFORT

Mr. President, our friends and relatives and fellow Americans in Puerto Rico and the U.S. Virgin Islands should know that, even while we mourn and process the incomprehensible events in Las Vegas, we remain laser-focused on the needs of Puerto Rico and the U.S. Virgin Islands, and we will continue our advocacy for a more comprehensive, more sure-footed, and better coordinated response to their crisis.

Mr. President, shortly the Senate will vote on the nominee to be Chairman of the FCC, Mr. Ajit Pai.

I cannot support this nominee for the office of Chairman. The FCC is tasked with the critical role of protecting consumers and promoting innovation in the telecommunications and technological fields that are becoming more and more integral to our day-to-day lives. However, over his time at the FCC and particularly in his tenure as Chairman so far, Mr. Pai has established a clear record of favoring big corporations at the expense of con-

sumers, innovators, and small businesses.

He supported congressional attempts to reverse the FCC's 2016 broadband privacy rule, which would have prevented big cable and internet companies from profiting off of personal internet data. Now, internet service providers no longer have to obtain consumer consent before they sell or share sensitive personal data.

Most disturbingly, Chairman Pai is currently attempting to dismantle the open internet order, the net neutrality rules under which millions of consumers currently have access to a free and open internet. Net neutrality has had a huge impact on everyone who uses the internet—on communities of color, on small businesses, on schools, on civic engagement, and on our economy.

Net neutrality is not the only issue where I disagree with Chairman Pai's agenda. In his first 2 weeks on the job, Chairman Pai stopped 9 companies from providing discounted high-speed internet to low-income individuals, and he jammed through nearly a dozen industry-backed actions, including some to begin curtailing net neutrality. The most alarming part: these clandestine moves to clip the public's fundamental right to a free and open internet were done without seeking public comment first.

It is no surprise, therefore, that Chairman Pai would be willing to further undermine the FCC's protection of net neutrality, notwithstanding the views of the nearly 22 million American citizens who have commented in opposition to his net neutrality proposal.

The open internet order is working well as it is and should remain undisturbed. Mr. Pai, however, seems bent on rolling back the open internet on behalf of a few corporate friends, rather than serving the American consumer and the American economy by keeping the current protections in place.

For these reasons, I feel very strongly that I must oppose his nomination; I cannot support this agenda, which I believe imperils consumers and the internet itself.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Mr. President, thank you very much.

Today, I am here to speak on behalf of a good friend and an exceptional public servant, Chairman Ajit Pai of the Federal Communications Commission.

I have admired his work throughout his service within the Commission, which dates back to 2007, when he was in the Office of General Counsel. Over

time, he was promoted to become the Deputy General Counsel of the Federal Communications Commission. In 2012, by voice vote, he was confirmed by the Senate to serve as a Commissioner, and he has continued to embody integrity, honesty, and dedication in this role, something we would expect from a Kansan.

As only the second Kansan ever to be nominated to serve on the Federal Communications Commission—the first being Bob Wells of Garden City, KS, who served from 1969 to 1971—Ajit Pai has proven himself to be a capable and talented leader and one of the smartest people whom I have ever met, especially when it comes to public policy.

I have worked with him and his staff throughout my time on the Senate Commerce, Science, and Transportation Committee and have traveled with him throughout our home State. My getting to know him on a personal level has really been a delight, something that has been a highlight of my time while serving in the Senate. He is a native of Parsons, KS, which is a small town in the southeast corner of our State, and he brings with him an understanding of the challenges that face rural America. He understands the importance of access to high-speed broadband and wireless connectivity, and I believe that his roots as a small town Kansas kid make him exceptionally qualified to advocate for rural America.

Ajit came to Wichita just this past week to explore ideas and explain policy opportunities to close the digital divide within local broadband providers that work in Kansas communities I serve. The lack of broadband connectivity in parts of rural Kansas has lasting economic, educational, and public health impacts, and Ajit Pai has prioritized incentive-based solutions like the Connect America Fund and Mobility Fund to close this divide in a fiscally responsible and competitively driven way.

Outside of supporting high-speed broadband build-out to unserved or underserved areas, Ajit created the Broadband Deployment Advisory Committee to promote broadband deployment across America, including removing regulatory burdens and barriers and improving permitting and the right-of-way process through regulatory reform.

While in Kansas, he was also able to see the great work that was being done to implement the Next Generation 9-1-1 technology in our home State. As we know, improving these communications systems is absolutely necessary to ensure adequate emergency services to rural and urban Americans alike, and we see that today and over the last several months with the disasters and tragedies that have occurred in our country.

Ajit has also proven himself to be a leader who is committed to free markets, clearly understanding that regu-

lations should be balanced with pro-growth economic principles that do not unduly harm employers or stifle innovation. To this end, Ajit Pai announced his intentions to stand up a new Office of Economics and Data within the FCC to provide economic analysis of the policies and functions of the agency. We are looking for thoughtful, data-backed input to the agency that should lead to market-driven policy decisions the Commission can then hang their hat on.

Critical issues before the FCC today require this type of expertise; things such as efficient and effective broadband deployment, quality spectrum management that schools and libraries desperately need, as well as hospitals that also desperately need this spectrum, and fostering innovation just in the general sense. If we want a growing economy with more jobs, better jobs, higher paying jobs, we need access to the latest technologies across the country.

As the currently appointed Chair of the FCC, Ajit has improved openness and transparency within the Commission, eliminated onerous and duplicative regulations holding up that innovation, and has protected consumers from illegal and fraudulent robocalls. One recent decision under his leadership that has received so much attention from consumer advocates, industry representatives, and policy academics is the FCC order Restoring Internet Freedom Notice of Proposed Rulemaking.

Under Chairman Pai's leadership, the Commission has collected tens of millions of comments regarding the agency's proposal to roll back the 2015 open internet order and has extended the deadline so more interested parties can be heard. This input collection, coupled with fundamentally improving the rulemaking processes, has increased the Commission's culture of openness and transparency, something I certainly support and would continue to encourage.

I believe the Federal Government must ensure a fair and open internet that is not blocked or slowed. I do not want outdated utility-style regulations to the internet that were established for telephone companies in the 1930s. Instead of leaving this important regulatory framework open to interpretation and change with every new administration, Congress—the U.S. Senate—and our Commerce Committee should and must craft bipartisan legislation that preserves the fair and open internet.

Chairman Pai has taken thoughtful steps toward a long-term solution by seeking to eliminate the harmful 2015 regulations hindering broadband deployment and harming an innovative internet ecosystem.

Ajit Pai has repeatedly proven himself to be a public servant of the highest caliber, with strong integrity and character. I am proud to recommend his swift confirmation to the Federal

Communications Commission and call on my colleagues to support his nomination. Ajit Pai is an intelligent, articulate public servant who has the character and integrity that is required at the Federal Communications Commission. I support his nomination and ask my colleagues to do the same.

I yield the floor.

Mr. McCONNELL, Mr. President, as I noted last week, the nominee before us, FCC Chairman Ajit Pai, has led a fascinating life with two defining features: hard work and success.

He understands communications policy from just about every angle—no wonder, given his deep and impressive resume.

He comprehends the needs of rural communities in states like mine, a product of his own rural upbringing.

He has dedicated himself to issues like advocating for Americans' First Amendment rights and bringing more openness and more accountability to the FCC, an agency that, too often, has earned a reputation for secrecy.

Chairman Pai is just the kind of person we need over at the FCC.

I was glad to see the Senate advance his nomination last week.

I look forward to confirming him to a new term later this afternoon.

Mr. DURBIN, Mr. President, I come to the floor today to voice my concern regarding the nomination of Ajit Pai to serve as a Commissioner of the Federal Communications Commission.

Many of my colleagues are planning to speak about the threat Mr. Pai poses to a free and open Internet, but what brings me to the floor is a different looming threat to the public interest: the proposed Sinclair Broadcast Group merger with Tribune Media Company. If approved, the Sinclair-Tribune merger would create the Nation's largest television broadcast company in history, reaching over 70 percent of households nationwide. There is reason for concern.

Mr. Pai's track record at the FCC has shown that he will not hesitate to put the needs of industry ahead of the best interests of consumers. Under his leadership as Chairman, the FCC acted to reinstate an outdated loophole known as the UHF discount that would make it easier for companies to get around rules limiting national media ownership. These rules are essential in maintaining the trust Americans have placed in their local broadcasters and ensuring consumers benefit from programming representing diverse viewpoints.

What was Mr. Pai's motivation for putting this loophole back in place? I will just say this: The loophole was reinstated in April, and Sinclair announced its acquisition of Tribune in May.

My concerns about the merger are not solely grounded in Sinclair's practice of mandating its stations distribute its self-produced conservative content, as troubling as that is. Rather it is that no single company should be

able to decide what 72 percent of the country's news looks like. The Sinclair-Tribune merger undermines competition and threatens local broadcasting as a trusted and diverse voice for its viewers in Illinois and across the country.

Because of Mr. Pai's deregulatory campaign and repeated failure to put the best needs of the consumer first, I will oppose his nomination to serve a second term as a Commissioner for the Federal Communications Commission.

Mr. LEAHY. Mr. President, in 2015, the Federal Communications Commission, FCC, did something that can be all too rare Washington: It listened to the American people. After a record number of Americans spoke in favor of clear rules to protect a free and open Internet, the FCC voted to adopt strong net neutrality protections that accomplished this goal. These protections, which ensure that innovation and free speech can flourish online, are currently under threat as the FCC now moves to repeal them. On net neutrality and on many other key telecommunications policy issues, Chairman Pai has stood against consumers, startups, and small businesses. Today I choose to stand with them and with millions of Americans who support net neutrality by opposing his reappointment.

Vermonters have been clear that they want strong FCC rules in place to ensure that the Internet remains the ultimate platform for economic opportunity and free expression. These protections are particularly important for small businesses, which compete on the internet's global stage against the largest companies in the world. The Vermont Country Store is a great example of a small company that has taken advantage of the promise of an open Internet. Family-owned with a rich history dating back to 1897, the internet offered new opportunities to extend the company's reach. As fifth generation storekeeper Cabot Orton said when he testified in Vermont about the FCC's effort to craft net neutrality protections in 2014:

We don't want to imagine an America with two Internets: a fast one for giant corporations and a slow one for everybody else. We don't want to imagine being held for ransom by telecom behemoths and cable monopolies just to reach our customers with the same speed and convenience that global conglomerates enjoy . . . A small business website that is no longer protected from giant Internet toll-keepers would have one choice: pay to play. Failing that, a company becomes the proverbial tree falling in the forest with no one there to hear it.

Chairman Pai has shown total disregard for the concerns of businesses like the Vermont Country Store. In proposing to repeal the existing net neutrality protections, he makes no mention of their importance to the small business community. Instead of recognizing the very real impact on small businesses of stripping away these protections, Chairman Pai claims that there are no possible harms these

protections could be designed to prevent.

This is particularly clear when he discusses the current rule banning harmful paid prioritization agreements that would create the type of two-tiered internet small businesses fear. Chairman Pai claims that there was no need for this rule because some large internet service providers, ISPs, said they "had no plans" to engage in this kind of behavior. This is despite the fact that at least one major ISP said outright in its 2014 FCC filing that it wanted the "flexibility" to charge websites for priority access and that, even though it had no plans for these arrangements, they "should be permissible and should be tested."

I introduced legislation to ban pay-to-play deals online before the FCC adopted its rule because of the harm they would cause small businesses like the Vermont Country Store. I find Chairman Pai's failure to understand the importance of a level playing field for small businesses extremely disconcerting.

Not only is Chairman Pai ignoring the small business community by barreling ahead to repeal net neutrality protections, he is also ignoring the clear will of the American people. Over 22 million Americans have submitted comments in the proceeding he started to repeal these critical protections, shattering records at the FCC. Poll after poll has found overwhelming bipartisan support for net neutrality. In Washington, Chairman Pai calls net neutrality protections burdensome and unnecessary. In Vermont, we just call them common sense.

Vermonters also value their privacy rights and want basic protections in place to protect their personal data. In 2016, over Chairman Pai's objections, the FCC put in place important privacy protections to prevent ISPs from selling their sensitive information, including their web browsing history, without their consent. These rules also included basic data security and data breach notification requirements. We have seen how important it is to hold companies to basic data security and breach notification standards in the wake of the total disregard Equifax showed for protecting sensitive consumer information.

Unfortunately, Chairman Pai was a strong supporter of the resolution of disapproval passed by this Congress that permanently repealed the FCC's privacy and data security protections. At a time when the personal information of every single American is under constant threat, Chairman Pai thought it was simply too much to ask for ISPs to take reasonable steps to secure their subscribers data and notify them if a breach occurs.

Chairman Pai's approach to rural broadband, which is one of the most pressing issues for Vermonters, also raises cause for concern. Just recently, he has proposed to effectively lower the speed standard used to measure wheth-

er Americans have access to adequate broadband service. As someone who represents a rural State, ensuring that we accurately measure how many Americans lack this essential service is critical. Under the current standard set by the previous FCC, 39 percent of rural Americans lack access to true high-speed broadband service. In contrast, only 4 percent of urban Americans lack access.

I supported the FCC's decision to set a high minimum broadband speed to use as the baseline for comparing rural and urban areas. All Americans deserve the same quality of broadband service, whether they live in the Northeast Kingdom of Vermont or the heart of Kansas City. Rural Americans should not be held to a lower standard simply so that Chairman Pai can rig the numbers to falsely claim that he has closed the digital divide once and for all.

Chairman Pai has shown far too often in his time at the FCC that he will side with Goliath over David and that he will ignore the overwhelming sentiment of the American people. With the fate of the open internet and many other critical telecommunications issues at stake, I must oppose Chairman Pai's nomination.

Mr. MORAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LAS VEGAS MASS SHOOTING

Mr. CORNYN. Mr. President, today we mourn the loss of at least 50 lives in Las Vegas, the victims of senseless violence at an outdoor concert near the Mandalay Resort and Casino. The lives of fellow Americans were taken in a barbaric manner that defies all justification, excuse, or even explanation. That these events have become almost commonplace in modern society makes them no less shocking or morally reprehensible.

The date and location—a country music festival on a Sunday afternoon—make the act seem doubly cruel. Thousands of innocent spectators were there from around the country enjoying themselves, with security being the furthest thing from their minds, until the shots rang out.

As news reports have now indicated, the event is one of the deadliest mass shootings in modern U.S. history. It and other forms of violence continue to tear apart the fabric of our country, and the scars left among the victims' families and loved ones will be painful and permanent.

My prayers go out to all those in Nevada who have not slept since yesterday and who are still grappling with the aftermath of the shooting, the families tending to loved ones in hospitals, as well as the first responders and law

enforcement officers who ran toward, not away from, the gunfire and who are now nursing various wounds. Here in Washington, we will continue to monitor the situation. We will continue to keep the fallen in our prayers in the days ahead.

#### TAX REFORM

Mr. President, turning to the legislative business at hand, the last time Congress enacted tax reform was 1986. Back then, I was a State district judge in San Antonio, TX, the Spurs had a bad losing streak, and gasoline was 89 cents a gallon.

A lot has changed since 1986. We have seen parties in Congress win the majority, lose it, and win again. We have seen six Presidents come and go, bringing us to this moment, this year, with the President committed to providing Americans with real tax relief and the promise of a resurgent economy. After countless meetings, hearings, and conversations amongst Members who represent varying and diverse constituents, Republicans in the House and the Senate and the administration have joined together to unveil a unified framework for tax reform.

In the more than 30 years since our Tax Code has become overhauled, it has become the punch line in a bad joke. No one will defend it. Everyone knows it needs to be fixed. Over time, the code has become more complex and is now riddled with deductions, credits, and loopholes advocated by an army of lobbyists and special interests, so much so that the majority of Americans now pay somebody else to prepare their taxes because it is too complex for them to figure it out on their own, but with renewed focus and determination, we are committed to taking this framework and using it to enact real reforms to simplify a Tax Code that has grown so complex over the years, but that is not the main reason.

The main reason we need tax reform is that the Tax Code has become the enemy of a growing, prosperous economy; the enemy of more take-home pay, and the enemy of America's competitiveness in a global economy. It is self-inflicted harm, and we can and must do better.

Our first priority should be to reduce taxes for all American families, not one socioeconomic class or another—everyone. With a simpler, fairer, and more competitive Tax Code, we can raise living standards so people who earn the money can make decisions on how best to spend it themselves—on their children's education, on their home, on a car they need in order to get reliable transportation to get to and from work, or just maybe putting a little bit of money away for retirement.

I think about the newly graduated teacher in Houston's public schools who is worried about stagnant wages, the entrepreneur in Austin with a great business idea who needs investors to succeed, or a single parent in San Antonio who is living paycheck-to-pay-

check. Ultimately, this is about empowering all citizens to pursue the American dream. This is about reducing government's big bite out of our wages each month and about small businesses spending more time growing and creating jobs.

By coming to the aid of hard-working American and Texas families, we will reawaken the sleeping giant that is our economy by incentivizing investment and job creation.

I know these are lofty goals. If it were easy, we would have done it more recently than since 1986. I know some of our colleagues across the aisle and some in the public are already questioning this framework. Some have wasted no time lobbing accusations, but they don't even bother to do their homework first. They are engaging in the same kind of class warfare many have come to love to wage here in Washington, DC, but those tactics are deeply cynical and deeply untrue.

Here is their lie. They say our tax plan cuts taxes for the wealthy and hurts the poor, even though the actual plan hasn't been written yet. Some claim they already know what the bill says, and they don't. That is entirely predictable in this political environment and wholly false. Let me tell you why.

First, we will cut taxes for all American families without shifting the burden from higher income households to lower or middle-income households. To accomplish this, the framework creates a large zero tax bracket by doubling the standard deduction. The first \$12,000 of income for an individual and \$24,000 for a couple would be tax-free.

Let me say it again. If you are a couple who makes \$24,000 or less, you will pay zero Federal income tax, which is effectively a zero tax bracket. Additionally, the proposed individual rates are collapsed into three, at 12 percent, 25 percent, and 35 percent. So instead of seven tax brackets, which we have now for individuals, we will have four, including the zero tax bracket. This framework also enhances the child tax credit. It repeals the death tax that has hurt small businesses and their families; it has broken up family farms and ranches. And it repeals the special interest tax breaks that primarily benefit the wealthy.

The other refrain some critics have already started making is the claim that our tax plan gives big tax cuts to job creators. As I said, in addition to closing the special interest loopholes, nearly everyone will see some sort of benefit, and job creators will take that benefit and invest in their businesses. They will hire more people, and they will improve wages and growth in the economy, from which we will all benefit. So why would our Democratic colleagues oppose that?

Our unified framework is a template that will be used by the tax-writing committees to put the nuts and bolts together for tax reform. As a member of the Senate Finance Committee, I

look forward to working with Chairman HATCH, Ranking Member WYDEN, as well as colleagues in the House—Ways and Means Chairman KEVIN BRADY, Speaker RYAN, and others—on these ideas. I even look forward to working with our Democratic colleagues if they will join us.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from New Mexico.

Mr. UDALL. Thank you, Madam President, for the recognition.

#### LAS VEGAS MASS SHOOTING

Today is a day of mourning for Las Vegas and for America. My heart goes out to all those touched by the ruthless and cowardly shooting last night.

One of the victims was Lisa Romero, a secretary at Miyamura High School in Gallup, NM. The students knew her well as Ms. Lisa, and she was adored by everyone at the school. Her loss will be deeply felt. I send my condolences and prayers to her family, as well as her school family, and to everyone in Gallup, NM.

I also want to recognize the true bravery of first responders—the police, the fire fighters, the EMTs—some of whom risked their own lives to save others. There are heroes in America, and we saw them in action last evening.

Las Vegas, NV, and New Mexico share a kinship. Nevada is a sister Western State. Many New Mexicans have family in Las Vegas, and New Mexicans are reeling because of this tragedy. As westerners and as Americans, we must always come together to support the victims, thank our first responders, and focus resources and policy on preventing future massacres.

Madam President, I rise in opposition to the renomination of Mr. Ajit Pai to the Federal Communications Commission.

Mr. Pai, both as FCC Commissioner and now as Chairman, has not been a vigorous watchdog for free speech. He has not put the people's right to information first. In fact, he has put corporate interests first, and he has opposed policies outright that ensure underserved communities have access to essential technology. I strongly oppose his renomination to the Commission.

Let's begin with his responsibility to guard First Amendment rights. President Trump has relentlessly attacked NBC, CBS, ABC, CNN, the New York Times, and the Washington Post. He called these established and esteemed news outlets "fake news." He even called them "the enemy of the people."

Earlier this year, in February, during a Senate Commerce Committee hearing—this was an oversight hearing—I asked Chairman Pai pointblank whether he agreed with the President that these mainstream news organizations were the enemy of the people. He refused to answer, refused to disagree with this patently outrageous and anti-American statement.

His written answers were better, but even then Chairman Pai did not demonstrate that he could stand up to



power and defend First Amendment rights. Democrats on the Commerce Committee sent a letter asking again whether he believed the media were the enemy of the people, and he qualified his answer in the negative by writing that “the President has made clear he was referring to ‘fake news’ [as the enemy of the people].” I wish that were true, but it is not. The President referred to well-respected, mainstream media organizations.

The FCC must unequivocally stand up for the First Amendment, and the Chairman needs to strongly disavow the President’s unfounded attack on the media.

The FCC took a huge step forward in favor of consumers in 2015 when it passed the open internet order. That order, known as the net neutrality order, was codified. The principle underlying net neutrality is simple and fair. It means that internet service providers must treat all internet traffic equally. They cannot block access to particular websites, apps, or services. They can’t give fast lanes or special treatment to websites or apps that pay more or are favored by some companies’ executives.

Consumers benefit because internet service providers can’t “pick winners and losers in the online marketplace for services and ideas.” Those are the words of President Obama.

Our democracy benefits because the internet lowers the barriers to communication—but not if the massive companies that control infrastructure can erect new ones. As a Commissioner, Mr. Pai voted against that pro-consumer measure, and as Trump’s Chairman, he has now moved to dismantle it. The American people are outraged with the Chairman’s move to undo net neutrality. The Commission has received a record 22 million comments in that regulatory proceeding.

Who is against net neutrality? The megaproviders like Comcast and Verizon—Chairman Pai’s old employer—can benefit financially from giving advantage to selected websites. Chairman Pai’s record is that if there is a choice between consumers and big corporations, corporations win.

Let’s look at what the Chairman did recently to allow the biggest broadcast company in America to become even bigger. Congress has put into law a limit on the market share that ultra-high frequency or UHF stations can own, and that limit is 39 percent. The Commission had considered that Sinclair Broadcast Group, the largest broadcast company, holds a 38 percent market share. But Sinclair wants to expand its reach and merge with another big company, Tribune Media. The \$3.9 billion deal would give Sinclair control over 200 more local television stations and expand its market to 72 percent of the television-owning households. Here is a chart that shows how expansive Sinclair’s proposed takeover would be. You can see here the current marks, and you can see down below the proportional footprint.

Traditionally, the FCC has interpreted its rules to prohibit Sinclair from making that deal, but Chairman Pai authored an order in April reinterpreting FCC policy to allow Sinclair to grab almost three-quarters of the market, and Sinclair happens to be well known for its friendly coverage of President Trump. It even requires local broadcast outlets to regularly carry national commentary from a former Trump campaign and White House media surrogate, and its executives have been complimentary of Chairman Pai personally.

Congress intended for there to be a multiplicity and diversity of voices and opinions on the airwaves. Congress explicitly wants to prevent one media organization from having an outsized influence over the Nation.

I have strong reservations about Chairman Pai’s leadership and values. Free speech, media ownership rules, and net neutrality are essential to a healthy democracy, and the Chairman is equivocating or moving backward on all fronts. For these reasons, I oppose this nomination.

Nevertheless, if he is confirmed, I hope we can find common ground and work together. One area where we could do that is rural and Tribal broadband in the West. In my home State of New Mexico, rural areas, pueblos, and Tribes do not have access to the internet that is anywhere near adequate. Approximately 63 percent of people living on Tribal land lack access to acceptable fixed broadband speeds, compared to only 17 percent of the U.S. population as a whole. The gap is even higher for residents of Tribal lands in rural areas, with approximately 85 percent of Tribal people lacking access.

We all know that in today’s world, broadband internet is essential to virtually all successful economic and commercial activity. It is essential to everyday life in America. As a member of the Commerce Committee, I will continue to push the FCC to do all it can to close the digital divide.

Broadband expansion is not a question of political ideology; it is a question of political will. The Federal Government played a big role in expanding electricity and telephone service to every American. We, as a country, have made major investments. We must do the same for rural broadband. Senate Democrats have made a number of concrete proposals recently. I hope we can work with our Republican colleagues on these. I urge Chairman Pai to take them seriously.

Members of the Commission must be 100 percent committed to principles of free speech, to protecting consumers and the underserved. Mr. Pai’s record does not give me sufficient confidence that he shares that commitment, and, therefore, I urge all of my colleagues to reject his nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. CAPITO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAS VEGAS MASS SHOOTING

Mrs. CAPITO. Madam President, I come here today to talk about the nomination of FCC Chairman Ajit Pai, but before I begin, I think all of us have incredibly heavy hearts in our homes, in our States, in the country, and in the world, as the horrifying events of Las Vegas really begin to sink in.

I just saw an article come across the news line in my home State of West Virginia with one of the first identifications of the victims. Her name was Denise Burditus. She is from Martinsburg, WV. She and her husband Tony were at the concert together. They have been married 32 years. They were high school sweethearts and were there vacationing and at the concert. Tony wrote on his Facebook page that his wife died in his arms. So we have lost a mother of two, and soon to be a grandmother of five, to this horrible tragedy. My heart sinks for them and for everyone. I really don’t have the words to say to comfort or explain or understand, except that I feel deeply sad and sorry, and I pray for them and their families.

Today, Madam President, I want to talk about the nomination and reappointment of Ajit Pai as the Chairman of the Federal Communications Commission. Chairman Pai has been an important partner in my quest to bring rural America and much of my State online. I was very lucky to meet Chairman Pai several years ago. Without question, he has been a champion.

Without question, high-speed internet access has allowed us to connect with one another on a scale we never could have imagined a decade ago. No other technology has become so critical to our daily lives. It is the backbone for our innovation, competition, and economic growth. From starting a business to digital learning and telemedicine, broadband access is critical to the strength of our economy and our communities. Unfortunately, for all the potential opportunities that broadband can offer, not having access to this important service can create insurmountable barriers.

Better connecting States like mine—West Virginia—through improved broadband has become one of my top priorities. Without this, our rural areas risk being left behind. The digital divide exists in this country, and rural Americans are the ones who are on the wrong side of the divide. Small communities and businesses across West Virginia and elsewhere in rural America lack this fundamental infrastructure.

No one understands these issues more than Ajit Pai. Chairman Pai grew up in rural Kansas. He told me that sometimes when he goes home to visit his parents, he cannot get connected in his own hometown. He knows the challenges facing rural communities.



I have had the pleasure of hosting Chairman Pai and his staff multiple times in West Virginia. Most recently, Chairman Pai came to Wardensville in Hardy County, WV, where we have good connectivity and where we have actually been able to create new businesses and opportunities for a small town such as Wardensville. Following our visit, we traveled just 20, 30 miles over to Hampshire County, where getting high-speed internet has been far more challenging. There, Chairman Pai met Eric Hott of Kirby, WV, who has a small chocolate business. Eric is having trouble following up with orders and attracting new customers because he can't get consistent broadband access.

Last August, I held a roundtable discussion with Chairman Pai in Fayette County, WV, focusing on the digital divide and the impacts on tourism. We visited Adventures on the Gorge. I even convinced him to join me on a bridge walk across the beautiful New River Gorge. This outdoor recreation destination is one of West Virginia's most beautiful and premier tourist destinations, but the small businesses there are hampered by the lack of connectivity.

We heard firsthand from business owners who can't grow their business because of poor internet connectivity. It is hard to attract a talented workforce to live and visit in these more rural parts of our States. A local restaurant owner shared their difficulty in notifying customers of available tables through their online system. They lost business because of this.

During each of the Chairman's visits, we discussed possible solutions to promote greater access and competition. Chairman Pai is a great listener. He listens to what the issues are, and those include reducing barriers to investment, streamlining the regulatory environment, encouraging public-private partnerships, and ensuring accountability on behalf of the taxpayer.

Following his tour across the country, during which he stopped in West Virginia, Chairman Pai proposed a digital empowerment agenda right down the alley of the issues we just talked about—to grant Americans living in communities of all sizes, from urban cores to smaller, rural towns, with these online opportunities. Chairman Pai's agenda highlighted a variety of specific measures the FCC, Congress, and State and local governments could make to simplify broadband deployment.

Broadband access will be the result of partnerships between private, local, State, and Federal agencies and organizations. We need to have this collaboration to eliminate duplicative and outdated programs so that States like mine can efficiently deliver broadband to our rural communities efficiently and cost-effectively.

By listening to communities like ours—and remember, I said Chairman Pai is a great listener—the Chairman

has built a plan for achieving widespread broadband access that meets the unique demands of our rural communities.

The FCC plays an imperative role in addressing these issues in large and small States, particularly rural States like mine.

In the 21st-century economy, robust telecommunication networks are increasingly important for today's users and the foundation of future innovations.

Under his leadership at the FCC, he has already taken steps toward modernizing the Commission's role and promoting digital empowerment. Since the beginning of his tenure, the Commission has hit the ground running, enacting a broad strategic vision to close the digital divide, to modernize the Commission's rules, promote innovation, protect consumer and public safety, and improve the Commission's daily operations.

Under Chairman Pai's leadership, the Commission has made significant investments to deliver broadband service to underserved and unserved areas of the country. I am confident that rural America will see more progress with his continued leadership, and today I am very proud to support his renomination to the FCC as he ascends and retakes the chairmanship of a very important part of our communications and telecommunications network.

With that, I yield back.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. WARREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LAS VEGAS MASS SHOOTING

Ms. WARREN. Madam President, I wish to begin by offering my condolences to the victims of the massacre in Las Vegas last night and to their loved ones. I am heartsick for the residents of Las Vegas and everyone around the country who woke up to the horrendous news of last night's attack and who is worried sick about whether their family members, friends, and neighbors are OK.

Thoughts and prayers are good, but they are simply not enough. Thoughts and prayers are not enough when more moms and dads will bury their children this week. Thoughts and prayers are not enough when sons and daughters will be forced to grow up without their parents.

Attacks like the one last night have happened all too often in America. Enough is enough. We have to have a conversation about how to stop gun violence in America, and we need to have that conversation right now.

Madam President, I want to take some time to discuss the vote we will be taking shortly on the nomination of

Ajit Pai to serve as the Chair of the Federal Communications Commission, or the FCC.

One thing that last night showed us is the importance of connections. Every day, moms and dads pick up their phones to check in on their kids, students go online to do research on homework assignments, and families sit together to watch the newest hit television show or movie. It is just a fact—media and telecommunications services play a vital role in helping American households connect with their loved ones, communities, and the world around them.

The FCC makes sure those services are available and accessible to all Americans, whether they live in a rural community or in a large city—at least that is what the FCC is supposed to do. There are a lot of powerful companies that want to change that picture, companies that want to change the rules so they can line the pockets of their corporate executives and their wealthy investors. Those powerful companies have launched an all-out assault on every branch of our government with only one goal: to make sure the government works for them and for their buddies. If it leaves everyone else in the dirt, they don't much care.

As powerful companies know, it is good to have friends on the inside, and they have invested a lot of money in making friends. Giant corporations have spent unlimited amounts of money to elect politicians who will promote their views and to flood Congress with lobbyists who will work around the clock to destroy laws and rules that the industry doesn't like and to reshape those laws to suit corporate interests. But electing politicians and inflating Congress with lobbyists isn't enough. Their Republican buddies in Congress can only do so much. Powerful corporations need weak agencies that will not hold them accountable, so they work to fill those agencies with their allies—friends who can undo the rules that giant corporations don't like, friends who will not go after those companies when they throw the rules out the window to make an extra buck.

The FCC is one of the agencies that have been on their hit list for a long time, and now they see their opportunity to execute a corporate takeover of the FCC. They started at the top with Ajit Pai, President Trump's pick to chair the FCC.

Since his appointment as Chair of the FCC, Chairman Pai has worked at breakneck speed to transform the FCC from an agency that works in the public interest to a big business support group.

Chairman Pai started with net neutrality protections—rules that help keep the internet free and open by preventing giant broadband companies from discriminating against certain internet users and turning the internet into another service that caters to those who can pay top dollar. Like his big broadband buddies, Chairman Pai

opposes net neutrality. Once President Trump was elected, Chairman Pai declared that the days of net neutrality protections were numbered, and now he is working hard to reverse those rules.

Chairman Pai has more items on his agenda. He is working to weaken the FCC's Lifeline Program, which helps low-income households across the country pay for phone and broadband service. Chairman Pai has also halted the FCC's efforts to demand some accountability from private prison phone companies that charge sky-high rates to prisoners and their loved ones. Chairman Pai thinks it is just fine for private companies to make it harder for prisoners to stay connected to their families and their communities by charging exorbitant phone fees.

Chairman Pai defends killing these strong, public-centered rules by repeating a version of the same old, tired refrain that we have heard over and over from industry: Government should stay out of the way and let big corporations do as they please because when big corporations make lots of profits, that benefits everyone. Yeah, right. That worn-out theory has been disproved time and time again. Americans know that when government is asleep at the wheel and big companies get to make the rules, those giant companies make out like bandits, while everyone else gets stuck with the bill.

That is not all. When government doesn't do its job, when it fails to protect the public interest, the big guys can grow even larger and more powerful and can translate greater economic power into greater political power, and that is where it gets very scary. Just look at Sinclair Broadcast Group. Sinclair is the largest television station owner in America, and it has made a name for itself by aggressively promoting ultraconservative views. It is infamous for forcing its stations to regularly run rightwing segments, and it melds its radical ideology with a take-no-prisoners profit-making mission, finding more and more creative ways to reduce news coverage and instead promote its sponsors' products.

Being the biggest isn't enough for Sinclair—it wants to become even more powerful, so it has put in a bid to purchase Tribune Broadcasting, another large television station owner. If government regulators don't stop the merger, Sinclair would have access to over 70 percent of American households. If the alarm bells haven't already gone off, this is where they should start ringing like crazy.

During the Presidential campaign, Sinclair was a huge supporter of then-Candidate Trump. It used its power in local television markets to spread slanted, pro-Trump news stories. Jared Kushner, President Trump's son-in-law, even bragged about reaching a deal with Sinclair to get more positive news media coverage of Trump.

The day before Trump's inauguration, Sinclair's chairman met with Pai—who was then an FCC Commis-

sioner but who was expected to be promoted to Chairman—he met with him to urge him to change the rules so Sinclair can grow even more powerful. When President Trump nominated Pai to chair the FCC, Sinclair got exactly what it wanted: Chairman Pai immediately got to work changing the rules so it would be easier for Sinclair to acquire Tribune.

Local media is sacred to many Americans. It is where we catch up on what is happening in our communities from people who know and care about our communities. A merger between Sinclair and Tribune would allow Sinclair to change that dynamic. With more local programming coming from a centralized source, there would be less information and less diversity of ideas in local reporting. That kind of concentrated power is bad for competition, and it is worse for democracy. Whether the Sinclair agenda is on the political right or the political left, no single, centralized corporation should control access to local programming for so many households.

We need a strong Chair at the FCC, a Chair who understands that the government's role is to work for American families and to hold giant corporations accountable. We do not need a Chair at the FCC who is working for the most powerful communications corporations in this country. That is why I will vote no on the nomination of Chairman Pai to be Chairman of the FCC.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

TRIBUTE TO LYLE E. STROM AND WILLIAM J. RILEY

Mrs. FISCHER. Madam President, I rise today to recognize two Nebraskans who are retiring after long careers of service to the American people: the Honorable Lyle E. Strom and the Honorable William J. Riley. Both of these judges have spent years upholding the rule of law, and their professionalism has established a strong reputation for their respective courts. They are true role models for current and aspiring lawyers and judges, and their exceptional work should be acknowledged.

Lyle Elmer Strom was born on January 6, 1925, in Omaha, NE. His mother was a schoolteacher. His father worked as an oil trader. Judge Strom has said that he didn't much care for school while he was growing up. Instead, he found himself causing more trouble than good, especially when he played football on top of the nearby grain silo with some friends.

In 1943, after being rejected by the Navy because of weak eyesight, Strom enlisted in the Merchant Marines as a radio signal operator. During his time in the Naval Reserve, he was inspired to become a lawyer after being impressed by his fellow Merchant Marines who had obtained college and professional degrees.

After serving his country in the military, Strom graduated from Creighton

University with a B.A. in 1950. That same year, he married the love of his life, his wife Regina. Together, they had seven children. In 1953, Strom graduated from Creighton University's School of Law, finishing at the top of his class. He soon joined the prestigious firm of Fitzgerald, Schorr, Barmettler, & Brennan.

Strom started his career believing he would be a business type of lawyer. Shortly after joining the firm, however, Bob Hamer brought Strom into his litigation group because he was smart and a hard-working professional. By 1958, Strom led the litigation practice for the firm.

Over his years of private practice, Lyle Strom became a well-known, well-liked litigator in Nebraska, especially in Omaha. In 1985, after 32 years of law practice and with encouragement from Congressman Hal Daub, President Ronald Reagan appointed Strom to the U.S. District Court for the District of Nebraska. He served as chief judge of the court from 1987 until 1994 and in 1995 took senior status, allowing him the ability to continue sitting as a judge on cases over the past 22 years.

Judge Strom has always been dedicated to the craft of practicing law. He served as the president of the Omaha Bar Association from 1980 to 1981 and as president of the Nebraska State Bar Association from 1989 to 1990.

One of his biggest joys has come in the form of mentoring aspiring lawyers and young people—something he has done throughout his career. In his first decade as a lawyer, he worked as a professor at Creighton University. In his fifth, after becoming a Federal judge with a full caseload, Judge Strom served as the Creighton Law School internship program director and clinical professor of law.

Strom has also dedicated decades of service to the Boy Scouts of America and was the founder of the Inns of Court organization in Nebraska and has been closely involved with the Nebraska Mock Trial Program.

During his 64 years of practice, Judge Strom has been a model for dedication to the rule of law. His hard work and mentoring to both aspiring lawyers and young people across Omaha have made him a staple in our communities.

He has also had an eye for talent. In 1973, while still working as a litigation lawyer, Strom hired a new lawyer to the firm—William J. Riley. This began a great professional relationship between two of the top lawyers in Nebraska.

Born in Lincoln in 1947, Bill Riley obtained both his B.A. and his juris doctorate from the University of Nebraska, graduating from the law school in 1972. While in school, Riley served as the editor and chief of the Nebraska Law Review, and he graduated at the top of his class.

From 1972 to 1973, Riley clerked for the Honorable Donald P. Lay with the U.S. Court of Appeals for the Eighth Circuit, a court he would later serve on 30 years later.

It was Judge Lay who told Riley that the best tutelage he could receive as a trial attorney would be at the firm of Fitzgerald, Schorr, Barmettler, & Brennan, the firm where a legendary attorney, Lyle Strom, had led the Litigation Department since 1958. It was great advice. After Strom became a judge, it was Riley who took his place as chair of the firm's litigation department.

In 2001, Riley's professionalism caught the eye of both Nebraska Senators and the President of the United States, George W. Bush. The new President nominated him to the U.S. Court of Appeals for the Eighth Circuit. Riley was confirmed unanimously in September of 2001, becoming one of President Bush's first circuit court appointments. He became chief judge for the Eighth Circuit in 2010.

During his tenure, Riley was intimately involved in the governance and policy-setting for the entire U.S. Federal court system. He served on the Executive Committee of the Judicial Conference of the United States, an organization presided over by the Chief Justice of the Supreme Court.

Riley also served as strategic planning coordinator for the Judicial Conference, helping enact greater cyber security measures throughout the Federal court system.

Judge Riley has served our country well over the last 16 years, and on June 30, 2017, after 45 years of practicing law, Judge Riley took senior status on the Eighth Circuit. He said that now he is going to have time to relax with his wife Norma, their three children, and their nine grandchildren.

Riley has served his local legal community by teaching trial practice at both Creighton University School of Law and the University of Nebraska College of Law. He is a decorated Boy Scout leader and served as a founding member of the Robert M. Spire American Inn of Court legal mentoring program.

Before his appointment to the court, Riley served as president of the Omaha Bar Association from 2000 to 2001.

Both of these judges deserve our respect for how they approach the justice system and the law. Both are role models that I hope future lawyers and judges follow. Their careers should be applauded and their commitment to our community should be honored. I wish them the best in their retirement.

#### LAS VEGAS MASS SHOOTING

Madam President, now, if I may, I would like to express my sympathies and the sympathies of the people of Nebraska for those who have lost loved ones in Las Vegas. Our hearts are heavy. I am praying for them and for those who were injured and for their families as well.

Thank you, Madam President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Madam President, I come to the floor today to speak about the vote we will have at 5:30 p.m., but I want to give my condolences to those who have been impacted by the horrific shooting in Las Vegas and to the families and the victims of this horrible incident. I want them to know that our thoughts and prayers are with them as the whole Nation turns to this situation.

My thoughts and prayers also go out to at least one Washington family who was impacted and was at this event. We may find out that there are others. We are thinking and praying deeply for their recovery, and I hope everybody will take the time to say some thoughts and prayers for those who have been impacted by this incident.

Madam President, I come to the floor to speak in opposition to the nomination of Ajit Pai to have a second term as the Chairman of the FCC. The reason why we are speaking about this vote that will happen in a short period of time is because we are concerned about the future of innovation, the future of where consumers play in the decision making of how they access content, and the future of our economy.

What I am worried about is that, in the short period of time that Chairman Pai has been at the FCC, instead of the policies that would have enabled consumers, he has taken actions that, I think, will have consumers paying more for less access and with which media concentration will be more enabled and plans to protect net neutrality in an open internet will be reversed.

This, in and of itself, is the biggest issue that I and the economy of Washington State could possibly see with this renomination; that is to say, the State of Washington and the internet and innovation that exists there could be greatly impacted by the rolling back of protections that we have now, which say that you cannot artificially throttle or slow down internet activity and hold consumers hostage to paying more.

The mission of the FCC is to promote the use and deployment of communications in the public interest, and it is the job of the Chairman to make sure that mission is carried out. Undoing the existing net neutrality laws on the books, I do not think, is in the public interest, and it will not promote the access we need. Dismantling this rule that would preserve the diversity of content will negatively impact our marketplace for a long time.

When we think about some of the issues that we have already seen and what we could see in the future, more consumers will have to pay a toll to use the internet. What we will see is that, if you want to get in the fast lane or if you want to have rapid access, you have to pay more.

Today consumers are using mobile apps to preorder coffee, to get access to healthcare information, and to make sure that we protect ourselves from attacks on everything, from our electricity grid to people's homes and security systems. I am very worried that, if the internet's arteries are officially slowed down or clogged, critical information could arrive too late to help protect consumers.

We are living in a world where people are seeing things happen then using their smart phones to collect and share information that can keep all of us safe. So this is another reason why we want to make sure that consumers can get access to and share information and are not slowed down or throttled in any way.

When we think about this and the app economy that exists in Washington State, these are the fastest growing businesses. It is part of a large organization, where, today, 1.7 million Americans' jobs are because of these apps, and nearly 92,000 of them are in the State of Washington. They have grown at an annual rate of 30 percent. The average growth rate for all other jobs is 1.6 percent. Why would we confirm someone who has already pledged to roll back the rules of an open internet, which basically will create throttling and slowing down of content that will hurt the app economy and small businesses?

Nobody wants to develop a new application that connects consumers—whether it is in healthcare or protecting people in cyber or education or, for that matter, even the Senate—if they are going to have to pay a toll to get faster access to information or to get faster access to their customers.

Dismantling net neutrality puts our economy in jeopardy. While I know some would say that it is necessary for investment, I would say that instead what we have seen in the last several years, while the open internet rules have been in place, is the type of increased investment in the internet infrastructure that is needed to support its growing importance.

I do not agree with my colleagues who think this reversing the open internet rules is necessary to grow our investments. That's just what the large cable companies tell you they need so that they can build fast and slow lanes and charge consumers more if they want access to those fast lanes.

I encourage my colleagues to vote no on Ajit Pai for a second term as FCC Commissioner. Let's get focused on making sure we protect an open internet.

I yield the floor.

The PRESIDING OFFICER. (Mr. MORAN). The Senator from Massachusetts.

#### LAS VEGAS MASS SHOOTING

Mr. MARKEY. Mr. President, I wish to start my remarks with my deepest condolences and prayers for the people of Las Vegas and for the families and loved ones of the victims of the worst

mass shooting in our Nation's history. The Nation's heart breaks that innocent concertgoers had to suffer such senseless violence. May you find the strength and love to overcome your grief, to heal, and to move forward.

We owe our gratitude to the brave first responders for their efforts last night and to the medical professionals who are working tirelessly to heal wounds and save lives right now. But enough is enough. Americans are tired of living in fear that their community will be the next Newtown, Aurora, Orlando, or Las Vegas. We must act so that we do not become numb to this preventable carnage.

This epidemic of gun violence in our country is not preordained. It is preventable. We can begin by banning these military-style assault weapons, like the AR-51, which are the guns of choice for those who seek to inflict mass casualties on civilians. These are weapons that belong in combat, not in our communities.

Unfortunately, the gun lobby prevailed on Congress to let the assault weapons ban expire in 2004, but we need it now more than ever. We must also pass legislation to ensure that all gun purchases include a background check. Ninety-two percent of Americans support expanded background checks. No one should be able to purchase a gun through Facebook or Instagram without a background check. Instagram should not be "Instagun," which it is in America today.

Let's also close the gun-show loophole that allows anyone to go into one of these Kmart's full of killing machines and buy a gun without a background check. Let's close the loophole that allows domestic abusers to buy guns. Let's close the loophole that allows straw purchasers to buy guns and flood our streets with them. Let's repeal the Protection of Lawful Commerce in Arms Act, or the PLCAA, and take away the gun manufacturers' immunity from civil liability. PLCAA should stand for "protecting lives, creating arms accountability."

We must also recognize that this epidemic of gun violence is a public health emergency, and we must treat it that way. We must fully fund this critical research agenda at the Centers for Disease Control and give the CDC the resources it needs.

We will hear lots of people say that now is not the time to politicize this tragedy, that talking about legislation is insensitive and wrong. The only thing the NRA wants more than to sell lots of gun silencers is to put a silencer on the debate about gun safety legislation. The only thing the NRA wants more than allowing nationwide concealed carry laws is to conceal the overwhelming support for background checks. The only thing the NRA wants more than to stifle smart gun technology is to stifle debate on gun violence protection.

So to anyone who says having this debate now is too soon, it is already

too late for at least 58 people in Las Vegas and the hundreds of others who were wounded. We should not wait another day. We need to pass common-sense gun safety legislation so we can hold a moment of silence for the NRA's stranglehold on American politics. We must make "NRA" stand for "not relevant anymore" in American politics and in our country. That should be our agenda here on the floor of the Senate.

What is wrong is leaving Americans in our communities unprotected yet again from gun violence. What is wrong is not having a debate and allowing the NRA to block sensible gun safety legislation. We must act so that we do not become numb to the preventable carnage for the people of Las Vegas and the people of Newtown, Aurora, San Bernardino, and every community in our country. That should be our responsibility now in this country.

Mr. President, I wish to turn my attention to the confirmation of FCC Chairman Ajit Pai, the subject of today's vote on the Senate floor.

Last week, I took to the floor to explain how, in his short tenure as Chairman of the Federal Communications Commission, Ajit Pai has stood up for big corporations and ignored American consumers.

Under Ajit Pai, the FCC now stands for "forgetting consumers and competition." Here are the five reasons I gave.

No. 1, on net neutrality, I explained how Ajit Pai wants to take a "weed whacker"—his words—to net neutrality, allowing broadband providers to serve as internet gatekeepers and pick online winners and losers.

No. 2, on privacy, Chairman Pai has actively supported efforts to allow broadband providers to sell consumers' sensitive information without their consent, as well as eliminating requirements for those companies to put in place data security protections, despite the obvious need to protect personal information.

No. 3, on megamergers, Mr. Pai has paved the way for massive mergers, which will squeeze out independent programmers and lead to higher prices for consumers.

No. 4, on the E-rate, the education rate, Chairman Pai has refused to commit to protecting the E-rate, the most successful educational technology program in our country's history, which links up schools and libraries to the internet.

No. 5, on the Lifeline Program, Mr. Pai has undercut the Lifeline Program, which provides access to voice and internet service for millions of low-income Americans.

The case against Chairman Pai's nomination is clear. I want to spend a few more minutes today on the particularly critical issue of net neutrality, the chief governing principle of the internet.

Net neutrality ensures that all internet traffic is treated equally, requiring that internet service providers like AT&T, Charter, Verizon, and Comcast

do not block, slow down, censor, or prioritize internet traffic.

Today, essentially every company is an internet company. Every company has to deal with the digital revolution to be relevant in the 21st century. In 2016, almost half of the venture capital funds invested in this country went toward internet-specific and software companies. That is \$25 billion worth of investment—half of all venture capital in this country. That is good.

To meet America's insatiable demand for broadband internet, the U.S. broadband and telecommunications industry—the big companies—invested more than \$87 billion in capital expenditures in 2015. That is the highest rate of annual investment in the last 10 years. That is good.

We have hit the sweet spot. Investment in broadband and wireless technologies is very high. Job creation is very high. Venture capital investment in online startups is very high. With net neutrality rules in place, the best ideas, not merely the best funded ideas, can thrive in the 21st century.

Chairman Pai says he "likes" net neutrality, but then he says he wants to take an ax to the very order that established today's net neutrality rules. That is like saying you value democracy but don't really like the Constitution. It makes no sense. Net neutrality is the organizing principle of the internet.

Chairman Pai and the ISPs—that is, internet service providers, the big companies—keep walking around, whispering how title II is some terrible word, some terrible thing.

Let's understand how we landed here. What is title II? It gets very mysterious until you put it into very simple language. In 2010, the Federal Communications Commission attempted to put net neutrality rules in place without reclassifying broadband under title II of the Communications Act. The District of Columbia Circuit Court proceeded to invalidate those rules and said to the Federal Communications Commission: Here is how you can do it, and it will not be struck down. Here is a smart way for you to put net neutrality on the books, which will make it legal.

So the Federal Communications Commission, in correctly reading the court decision, went back, and in 2015 adopted the open internet order, which reclassified broadband as a telecommunications service under title II—under this ability to regulate. They did it, and the circuit court of appeals upheld the rules in a 2016 decision.

There it is: instructed by the court how to do it, follow the instructions, implement, done. It is now baked into the personality of the internet to have openness. The apertures are there for anyone to be able to get on, not to be discriminated against. That is what the internet should be like in the 21st century.

Title II is appropriate because it was Congress's intent to preserve the FCC's

authority to forestall threats to competition and innovation in telecommunications services, even as those technologies used to offer those services evolve over time.

We are not locked into one period of technology. As it evolves, so, too, does an evolution occur in terms of what openness means—the ability of everyone to be able to use the internet without being discriminated against.

Broadband has become the single most important telecommunications service Americans use to transmit information to one another, and it has become clear that innovators, businesses, and consumers overwhelmingly view broadband as a telecommunications service.

This is common sense to Americans around the country, with the only exception being big telecommunications lobbyists and lawyers who work to close this internet, who want to stop this incredible, entrepreneurial, democracy-enhancing set of rules that exists to ensure that this communications mechanism is not controlled by just a small number of companies.

Ajit Pai has said that he likes net neutrality, but he thinks it should be voluntary. But voluntary regulations will not work. We know that the broadband industry—your cable, your wireless, your telecommunications provider—cannot regulate themselves. They struggle to even show up on time to install or fix your service.

Do we really trust the broadband industry to resist leveraging their internet gatekeeper role and putting their online competitors at an unfair disadvantage? Of course not.

Americans have made their voices heard about net neutrality. More than 22 million Americans have written to the Federal Communications Commission in the past several months, sending a clear message of support for net neutrality. Hear that again: 22 million Americans sent a message to the Federal Communications Commission that they do not want to see a change in the net neutrality rules for our country. Yet Ajit Pai will not listen. His plan will allow broadband providers to stifle innovation, stifle entrepreneurship. His plan will allow big broadband barons to crush competition, reduce choice, and then make consumers pay more.

We cannot allow this to happen. That is why this vote we are about to take is so important. That is why I urge my colleagues to stand up for consumers and to vote no on Ajit Pai's nomination to be the Chairman of the Federal Communications Commission.

I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I ask unanimous consent that I be able to complete my remarks prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I rise to voice my strong support for the nomination of Ajit Pai to a second 5-year term as a Commissioner at the Federal Communications Commission. Mr. Pai has served as a Commissioner at the FCC since 2012, when he was first confirmed by a voice vote in the Senate. He was designated as Chairman earlier this year.

A native of Kansas, Chairman Pai has focused on the expansion of rural broadband and the acceleration of next-generation infrastructure deployment. In recent weeks, he has worked tirelessly to help ensure that communications services are restored to the communities that have been affected by Hurricanes Harvey, Irma, and Maria. In just his 9 months since becoming Chairman, Mr. Pai has also made much needed reforms to improve transparency at the FCC and to improve the agency's processes.

I am particularly heartened by Chairman Pai's efforts to treat his fellow Commissioners fairly by instituting the process of sharing documents with other Commissioners before discussing them publicly. Additionally, under Chairman Pai's leadership, the public is now able to view the text of all agenda items in advance of Commission hearings.

With respect to the thorny issue of internet regulations, I am pleased Chairman Pai has sought to hit the reset button on the 2015 title II order because, as I had previously said, the FCC should do what is necessary to rebalance its regulatory posture under current law. At the same time, I continue to believe the best way to provide long-term protections for the internet is for Congress to pass bipartisan legislation.

Rather than prolonging the back-and-forth debate on this issue, I, once again, invite my colleagues to work with me to find a lasting legislative solution that will resolve the dispute over net neutrality once and for all.

As for the nomination before us, I can think of no better pick to lead the FCC as it works to address a host of issues at the heart of our interconnected economy. As I noted at the outset, Chairman Pai has already made much needed reforms to improve the processes at the FCC that empower fellow Commissioners. He has already shown a commitment to ensuring transparency and openness at the Commission. That gives me great confidence in the direction he will lead the agency.

Chairman Pai's approach, I believe, will lead to more long-lasting and positive results at the FCC. That is why I believe the elevation of Ajit Pai to be the Chairman of the Commission is a much needed breath of fresh air and why I believe he should be confirmed

promptly and without further delay. I urge my colleagues to support his nomination.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time has expired.

The question is, Will the Senate advise and consent to the Pai nomination?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from Nevada (Mr. HELLER), the Senator from Arizona (Mr. MCCAIN), and the Senator from Pennsylvania (Mr. TOOMEY).

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Vermont (Mr. SANDERS), are necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 41, as follows:

[Rollcall Vote No. 209 Ex.]

#### YEAS—52

Alexander	Gardner	Peters
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Hoeven	Rounds
Capito	Inhofe	Rubio
Cassidy	Isakson	Sasse
Collins	Johnson	Scott
Corker	Kennedy	Shelby
Cornyn	Lankford	Strange
Cotton	Lee	Sullivan
Crapo	Manchin	Tester
Cruz	McCaskill	Thune
Daines	McConnell	Tillis
Enzi	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	
Flake	Perdue	

#### NAYS—41

Baldwin	Franken	Murray
Bennet	Gillibrand	Nelson
Blumenthal	Harris	Reed
Booker	Hassan	Schatz
Brown	Heinrich	Schumer
Cantwell	Heitkamp	Shaheen
Cardin	Hirono	Stabenow
Carper	Kaine	Udall
Casey	King	Van Hollen
Coons	Klobuchar	Warner
Donnelly	Leahy	Warren
Duckworth	Markey	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Murphy	

#### NOT VOTING—7

Cochran	McCain	Toomey
Cortez Masto	Menendez	
Heller	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from Arizona.

## LEGISLATIVE SESSION

## MORNING BUSINESS

Mr. FLAKE. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NOMINATION OF AMY BARRETT

Mr. FLAKE. Mr. President, I rise today to discuss how we allow religious believers to participate in public life.

From the founding of our country, religious believers have played a central role in our government. The Declaration of Independence was signed by a Presbyterian minister, John Witherspoon, and Charles Carroll, the cousin of our first Catholic bishop.

The importance of religious participation was in the air the Founders breathed, and the benefits religious believers of all backgrounds contributed to the common good was understood by the Framers of the Constitution. That is why they made it clear in article VI of the Constitution that no public officers could be subject to a "religious test." This new country wouldn't be a country for Anglicans or for Congregationalists or for Quakers; it would be a country for all Americans and all faiths—all of those who are committed to the Constitution and the common good.

Unfortunately, the religious test clause is no longer just the subject of history lessons. During this Congress, there have been a number of cases where my friends in the minority have seemed to ask nominees about their substantive religious beliefs. I find this particularly troublesome because, as a Mormon, I am a member of a faith that, while it is growing rapidly, still counts fewer adherents than many other religions. It is religious liberty, espoused in constitutional provisions like article VI and the First Amendment, that has allowed my faith, despite a very difficult history, to flourish in the United States, and it is religious liberty that is threatened when we seem to evaluate the fitness of nominees for higher office on religious orthodoxy.

The most recent example of this was the recent Judiciary Committee nomination hearing of Professor Amy Coney Barrett of the Notre Dame Law School. During the hearing, she was asked repeatedly about her Catholic faith and faced what bordered on ridicule when she repeatedly stated that she would perform her judicial duties without interference from the doctrines of the Catholic faith. It was stated by one questioner: "The dogma lives loudly within you, and that's of concern." What does that statement mean in this context, if not to question Professor Barrett's judicial fitness based on her religious beliefs?

Liberal groups have been relentless in their opposition to Professor Barrett, mischaracterizing her record to paint her as some kind of fringe ideologue waiting to take orders from the Pope or others in clergy on how to decide cases. Just last week, the New York Times ran a 1500-word story on where Professor Barrett worships. As it turns out, apart from her parish church, Professor Barrett has been part of an ecumenical charismatic community.

I should note that charismatic Christianity is gaining a lot of ground among Latinos in the United States and throughout Latin America. It is a vibrant and very diverse religious tradition.

According to the Times, Professor Barrett should have disclosed her participation in this charismatic community to the Senate Judiciary Committee.

Professor Barrett's former professor and colleague, Professor Cathy Kaveny of Boston College, went so far as to ask: "[Nominees] have to disclose everything from the Elks Lodge to the alumni associations we belong to. Why didn't she disclose this?" Well, I am no law professor, but I can tell you why: because in the United States of America, it doesn't matter where you worship when you are being considered for Federal office, and that is as it should be.

The Judiciary Committee does not require disclosure of religious affiliation, and I trust my colleagues would join me in strenuously objecting if it did.

It is ironic that a Notre Dame professor is a target of this kind of animus. Notre Dame, of course, has long been at the forefront of fighting prejudice in this country.

Early in its years, Notre Dame helped rid America of the scourge of slavery. Many artists have rendered Notre Dame professor, Father William Corby, giving the Irish Brigade general absolution during the Battle of Gettysburg.

The school then faced down the Ku Klux Klan in the 1920s. At a time when a large number of White men in Indiana were members of the Klan, Notre Dame students made it clear that the Klan's brand of nativist, anti-immigrant, anti-Catholic hate was not welcomed in South Bend.

Four decades later, Notre Dame's president, Father Ted Hesburgh, received a call about a rally at Soldier Field being organized by Dr. Martin Luther King. Hesburgh was told that Mayor Daley and Cardinal Cody had declined invitations to appear at the civil rights rally, and the organizers wondered if he would be willing to appear. In response, Hesburgh drove to Chicago, locked hands with Dr. King, and sang "We Shall Overcome."

Whether it is slavery, nativism, or Jim Crow, Notre Dame has stood up to it and has triumphed. In that same tradition, I am confident that Professor

Barrett is up to that task. What is remarkable is that I need to say this in 2017.

It bears repeating that a Roman Catholic can be a faithful steward of the law. So can an Episcopalian. So can a Mormon. So can a Muslim. Of course, so can an atheist.

We in the Senate give the President advice and consent on judicial nominations. We therefore should examine their jurisprudential views and their qualifications. We must not examine their relationships with the Almighty.

I sincerely hope this body will step back from this dangerous ledge and evaluate Professor Barrett based on her impeccable qualifications, not where she attends church.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 119, Lee Francis Cissna.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Lee Francis Cissna, of Maryland, to be Director of United States Citizenship and Immigration Services, Department of Homeland Security.

## CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Lee Francis Cissna, of Maryland, to be Director of United States Citizenship and Immigration Services, Department of Homeland Security.

Mitch McConnell, Chuck Grassley, Mike Crapo, John Cornyn, John McCain, Pat Roberts, Steve Daines, Roger F. Wicker, Mike Lee, John Boozman, Lindsey Graham, James M. Inhofe, Cory Gardner, Jeff Flake, John Thune, John Barrasso, Orrin G. Hatch.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture motion be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.